

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA

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|---------------------------|---|------------------------------|
| DARNEY RAY WHITE, |) | No. CV-F-05-946 REC |
| |) | (No. CR-F-03-5308 REC) |
| |) | |
| Petitioner, |) | ORDER ALLOWING PETITIONER TO |
| |) | AMEND MOTION FOR RELIEF |
| vs. |) | PURSUANT TO 28 U.S.C. § |
| |) | 2255, VACATING ORDER FILED |
| |) | ON AUGUST 18, 2005, AND |
| UNITED STATES OF AMERICA, |) | DIRECTING UNITED STATES TO |
| |) | RESPOND TO MOTION FOR RELIEF |
| |) | AS AMENDED WITHIN 45 DAYS |
| Respondent. |) | |
| |) | |
| |) | |

On July 25, 2005, petitioner filed a motion to vacate, set aside or correct sentence pursuant to 28 U.S.C. § 2255. By Order filed on August 4, 2005, the court accepted jurisdiction of petitioner's Section 2255 motion and ordered petitioner to file a waiver of the attorney-client privilege. Petitioner filed his waiver of the attorney-client privilege on August 16, 2005. By Order filed on August 18, 2005, the court ordered the United States to respond to petitioner's Section 2255 motion. On August 22, 2005, petitioner filed an amended supplemental basis for

1 relief under Section 2255 and also filed supplemental evidence in
2 support of the claims made in his Section 2255 motion.

3 The court will allow petitioner's supplemental claims to
4 proceed and will consider the supplemental evidence.

5 Consequently, the court vacates the Order filed on August
6 18, 2005 directing the United States to respond to the motion as
7 filed on July 25, 2005.

8 The United States is directed to respond to the motion filed
9 on July 25, 2005 and the amended supplemental basis for relief
10 within 45 days of the filing date of this Order.

11 IT IS SO ORDERED.

12 **Dated: August 24, 2005**
668554

/s/ Robert E. Coyle
UNITED STATES DISTRICT JUDGE